

**N THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PARTHENON UNIFIED MEMORY
ARCHITECTURE, LLC

Plaintiff,

v.

APPLE INC.

Defendant.

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Case No. 2:15-cv-621-JRG-RSP
Lead Case

ORDER

Before the Court is Defendant Apple Inc.’s (“Apple”) Unopposed Request for Redaction of Memorandum Order ruling on Apple’s Motion to Transfer Venue (“Transfer Order”). (Dkt. No. 211.) Apple says that the “Memorandum Order contains information that is confidential and proprietary to Apple” and “[a]llowing this information to remain in the public domain creates a substantial risk of harm to Apple that outweighs the public’s right of access the [] information.” (Dkt. No. 211 at 1.)

A district court must use caution when exercising its discretion to redact records or place them under seal. As the Fifth Circuit has held, there is a “strong presumption that all trial proceedings should be subject to scrutiny by the public.” *United States v. Holy Land Found. for Relief & Dev.*, 624 F.3d 685, 690 (5th Cir. 2010); *see also Federal Sav. & Loan Ins. Corp. v. Blain*, 808 F.2d 395, 399 (5th Cir. 1987) (“The district court’s discretion to seal the record of judicial proceedings is to be exercised charily”). Even when a request to redact or seal is not contested, the moving party bears the burden of showing that the presumption in favor of public records has been overcome.

Apple contends the Transfer Order reveals its relationship with Imagination and several Samsung-affiliated entities. The Court notes what the Transfer Order reveals is no more detailed than what is publically available. For example, Apple contends the following sentence should be redacted: “Apple [] claims Imagination Technologies, the only relevant supplier that Apple contracts with regarding the accused technology, is a foreign corporation and has its U.S. headquarters in Santa Clara.” (Dkt. No. 211 at 5.) The Court finds that this sentence reveals no sensitive information because (1) many sources state that some Apple products use Imagination-based graphics processing units and (2) Imagination’s website states its headquarters is at 3201 Scott Blvd. Santa Clara, CA.

Similarly, Apple contends that revealing the location and duties of its employees subjects Apple the risk of its employees being poached. (Dkt. No. 211.) To the extent this concern is legitimate, the possibility that an Apple employee may be hired by a competitor does not outweigh the public’s established interest in open proceedings. For these reasons, Apple’s Unopposed Request for Redaction of Memorandum Order ruling on Apple’s Motion to Transfer Venue (Dkt. No. 211) is **DENIED**.

SIGNED this 22nd day of September, 2016.



ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE